

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LK/163

<u>Applicant</u>	:	PCCW-HKT Telephone Limited
<u>Site</u>	:	Government Land (GL) in D.D. 39, Shek Chung Au, Sha Tau Kok, New Territories
<u>Site Area</u>	:	About 240m ²
<u>Lease</u>	:	Short Term Tenancy (STT) No. 858 (i) Erection of 4 structures with a height and total gross floor area not exceeding 2.71m and 59.2m ² respectively (ii) Restricted to the purpose of installation of telephone exchange equipment
<u>Plan</u>	:	Approved Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/2
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Temporary Public Utility Installation (Telephone Exchange) and Associated Filling of Land for a Period of Five Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary public utility installation (telephone exchange) and associated filling of land for a period of five years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Public Utility Installation’, which is a Column 2 use, and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is paved, fenced-off, and currently used for the applied use (with previous planning permission lapsed on 2.9.2025).
- 1.2 The Site is accessible via a local access leading to Sha Tau Kok Road – Shek Chung Au (**Plan A-2**). According to the applicant, the applied use serves to provide telecommunication services for the area. It involves six single-storey structures (about 2.6m in height) with a total floor area of about 59.2m², including four containers to accommodate telecommunication equipment and associated facilities ¹, an air pressurisation unit room for monitoring underground cable, and a power meter room. No parking space or loading/ unloading (L/UL) space is provided at the Site. The applicant also applies for regularisation of filling of land for the entire Site with a depth of about

¹ The applicant advises that while there are currently three containers installed at the Site, a space for one additional container is reserved for future expansion.

0.2m by concrete for site formation purpose. The layout plan submitted by the applicant is shown in **Drawing A-1**.

1.3 The Site is the subject of four previous applications (No. A/DPA/NE-LK/12, A/NE-LK/60, 98 and 129) for temporary installation of telephone equipment/ temporary public utility installation (telephone exchange), which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 1993 and 2020. The last application No. A/NE-LK/129 submitted by the same applicant as the current application was approved with conditions on 1.9.2020 for a period of five years up to 1.9.2025. All the approval conditions have been complied with and the planning approval lapsed on 2.9.2025. Details of the previous applications are set out in paragraph 5 below. Compared with the last approved application No. A/NE-LK/129, except with the addition of regularisation of filling of land, the site layout and development parameters including floor area under the current application remain unchanged.

1.4 In support of the application, the applicant has submitted the following document:

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|---|---------------|
| (a) Application Form with attachments received on 25.8.2025 | (Appendix I) |
| (b) Further Information (FI) received on 25.9.2025 [#] | (Appendix Ia) |
| (c) FI received on 30.9.2025 [#] | (Appendix Ib) |

[#]accepted and exempted from publication and recounting requirements

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ib** and summarised below:

- (a) the applied use serves to provide telecommunication services for the area, and using containerised telephone exchange is considered the best option in view of the imminent telephone services requirement;
- (b) telephone switching equipment is installed at the Site to meet the growing demand for telephone service and future development in the Shek Chung Au area;
- (c) no other facilities except electricity are required for the applied use, and its operation will not generate vibration, smoke, particle, smell or waste. All the approval conditions, including landscaping and drainage works, under the previously approved planning application have been complied with. Environmental impact on the surroundings is not anticipated;
- (d) there is no parking requirement for the applied use as only a few visits per month for site inspection would be required. Traffic impact is not anticipated; and
- (e) there is no change in the site area and total floor area in the current application.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

As the Site involves GL only, the ‘owner’s consent/notification’ requirements as set out in the Town Planning Board Guidelines on Satisfying the ‘Owner’s Consent/Notification’ Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG No. 31B) is not applicable to the application.

4. Background

The Site is not subject to active planning enforcement action.

5. Previous Applications

5.1 The Site, in part or in whole, is the subject of four previously approved applications No. A/DPA/NE-LK/12, A/NE-LK/60, 98, and 129. Application No. A/DPA/NE-LK/12 for temporary installation of telephone equipment covering the southeast portion of the Site and adjoining land was approved with conditions by the Committee on 19.11.1993, while applications No. A/NE-LK/60, 98 and 128 for temporary public utility installation (telephone exchange) and renewal of planning approval were approved with conditions by the Committee on 30.7.2010, 3.7.2015 and 1.9.2020 respectively mainly on the considerations that the applied use was not incompatible with surrounding environment; and there were no adverse departmental comments or departmental concerns could be addressed by imposing relevant approval conditions. For the last approved application No. A/NE-LK/129, all approval conditions have been complied with and the planning permission lapsed on 2.9.2025.

5.2 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is no similar application for temporary public utility installation within the same “AGR” zone in the vicinity of the Site in the past five years.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) paved, fenced-off, and currently used as the applied use (with previous planning permission lapsed on 2.9.2025); and
- (b) accessible via a local access leading to Sha Tau Kok Road – Shek Chung Au.

7.2 The surrounding areas are rural in character mainly comprising village houses, vacant land and parking of vehicles. Shek Chung Au Sewage Pumping Station is located to the southeast of the Site.

8. Planning Intention

8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

- 8.2 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices III** and **IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 2.9.2025, the application was published for public inspection. During the statutory public inspection period, a comment was received from the Chairman of Lung Shan Area Committee indicating no comment on the application (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary public utility installation (telephone exchange) and associated filling of land for a period of five years at the Site falling within an area zoned “AGR” on the OZP. According to the applicant, the telephone exchange serves to provide telecommunication services for the area. While the applied use is not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural perspective considering that the previous application for the same use on the Site was approved. In view of the above and taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of five years.
- 11.2 The applied use involves regularisation of filling of land for the entire Site with a depth of about 0.2m by concrete for site formation purpose. Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The Site, which is paved, fenced-off, and currently used for the applied use, is situated in an area of rural character mainly comprising village houses, vacant land, parking of vehicles and the Shek Chung Au Sewage Pumping Station. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from the landscape planning perspective, and considers that the applied use is not entirely incompatible with the landscape character of the surroundings and further significant adverse impact on existing landscape resources within the Site arising from the applied use is not anticipated.

- 11.4 Other government departments consulted, including the Director of Fire Services, Commissioner for Transport, Director of Electrical and Mechanical Services and Director-General of Communications have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental nuisance on the surrounding area.
- 11.5 The Site is the subject of four previous applications for temporary installation of telephone equipment/ temporary public utility installation (telephone exchange) approved with conditions by the Committee between 1993 and 2020 based on the considerations set out in paragraph 5.1 above. For the last approved application No. A/NE-LK/129, all the approval conditions have been complied with and the planning permission lapsed on 2.9.2025. Compared with application No. A/NE-LK/129, except with the addition of regularisation of filling of land, the site layout and development parameters including the floor area under the current application remain unchanged. Approval of the current application is in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of five years until 24.10.2030. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the submission of a condition record of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.1.2026;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.4.2026;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.7.2026;
- (e) if the above planning condition (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (f) if any of the above planning condition (a), (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (g) upon the expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving, and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with Attachment received on 25.8.2025
Appendix Ia	FI received on 25.9.2025
Appendix Ib	FI received on 30.9.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos